



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
Diane Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 2402787
Applicant: Tom Jones, KPFF for Simon Property Group
Address of Proposal: 301 N.E. Northgate Way

SUMMARY OF PROPOSED ACTION

Master Use Permit to establish use for future construction of eight one- and two-story buildings totaling 116,750 sq. ft. to expand existing retail sales and service, eating and drinking establishment uses (Northgate Shopping Center) and to provide (potentially) a new park and ride spaces for King County/Metro Transit. The project includes a new four-story, 183,744 sq. ft. parking garage and reconfiguration of existing surface parking for a net gain of 170 spaces (4,135 total spaces on site). The project also includes future demolition of an existing theatre and an existing medical services building on the site.

Note: The project as originally noticed did not contain the 163 space fifth level of the proposed parking garage, which spaces constitute the park and ride use. However this potential use has been added to the application and is analyzed therein.

The following approvals are required:

Design Review - Section 23.41, Seattle Municipal Code.

Development Standard Departures are requested to lower the percentage of small parking spaces to be provided and to modify the Northgate Overlay requirement of a landscaped pedestrian pathway between every parking area of more than 250 spaces.

SEPA - Section 25.05, Seattle Municipal Code

SEPA DETERMINATION: ☐ Exempt ☐ DNS ☐ EIS

☒ DNS with conditions

[] DNS involving non-exempt grading or demolition or involving another agency with jurisdiction.

BACKGROUND DATA

Site and Vicinity Description

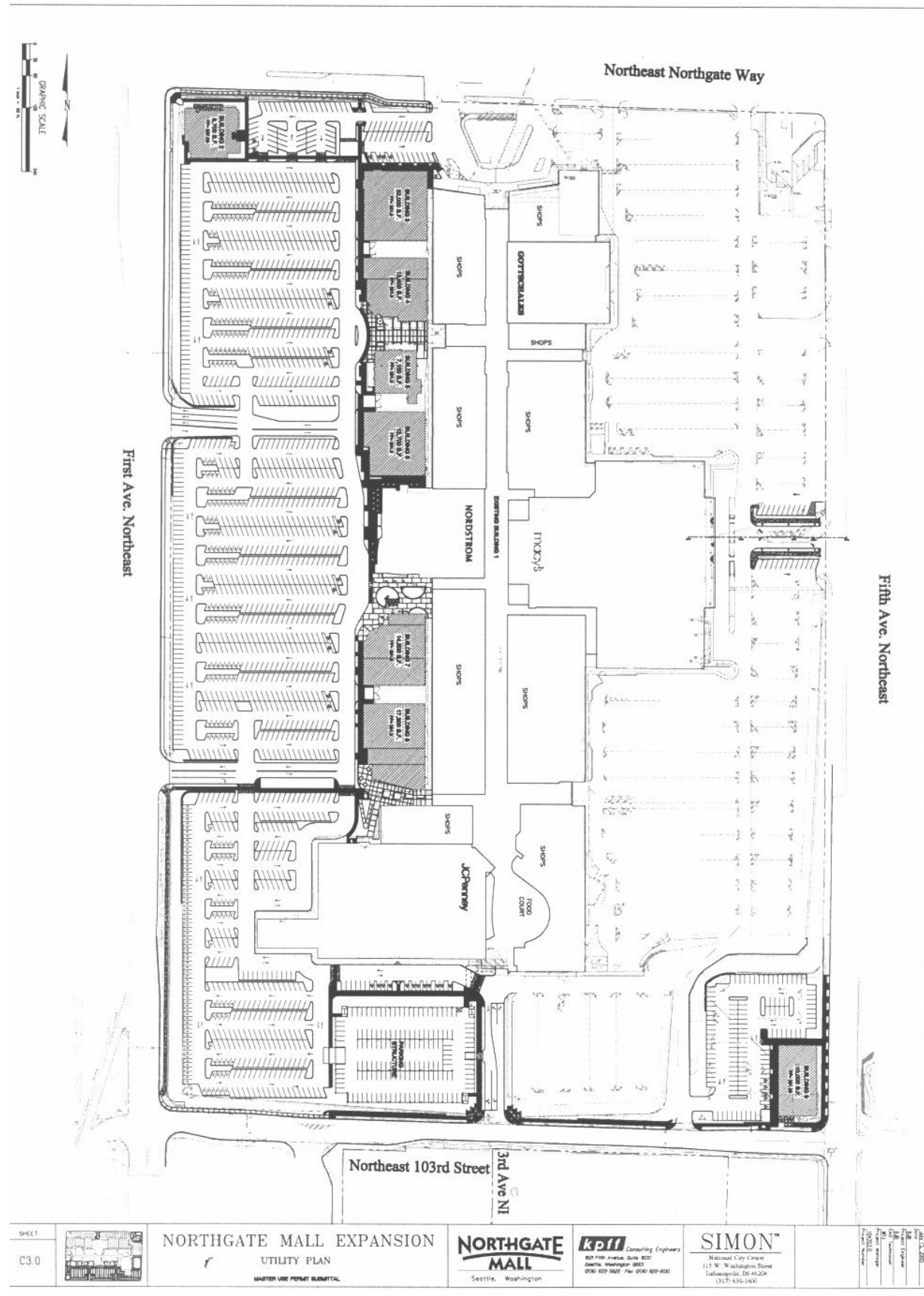
The proposal site is the existing 23 acre Northgate Mall bordered on all sides by public streets. To the west, across 1st Ave. N.E. is the I-5 freeway. North across N.E. Northgate Way is a multistory commercial building containing retail and restaurant uses including a Target store and a GI Joes store, among others. Also, across the busy, four lane NE. Northgate Way is a large, wood frame, multi-family development. To the east, across 5th Ave. N.E., are a series of commercial sites, a new public library, park and community center under construction and, at the southern extent, a public open space which forms the easternmost extent of open channel of the south fork of Thornton Creek.

The mall site has been extensively filled and leveled in the past. Generally it is flat, at street grade on the east and sloping with six to eight feet above street grade on the west. At the southeast region of the site grade again is above the street level. At the southeast corner itself a large pad has been excavated to create a street level site at the corner of 5th Ave. N.E. and N.E. 103rd St.

To the south of the proposal site, across N.E. 103rd St. is another entire block often referred to as the South Lot at Northgate. On its approximate western half is a King County Metro Transit Center and Park and Ride Lot. The eastern, portion has remained a paved parking lot for many years while redevelopment has been considered. Beneath a portion of this South Lot runs a pipe carrying storm water from the immediate area and water originating at a wetland on the North Seattle Community College across I-5 to the west. The King County Metro Transit controlled area is proposed to be redeveloped with a residential and commercial project incorporating the Transit Center. There is a proposal to develop a Sound Transit Light Rail Station at the site at some point in the future. The eastern half of the South Lot is the subject of a Master Use Permit and contract rezone request currently under review for the Northgate Commons project to develop retail, and residential uses that will be bisected by the City of Seattle Thornton Creek Water Quality Channel project. King County is the lead on the proposed 3rd Ave NE Street Extension project that will provide a new arterial access between NE 103rd and NE 100th Streets. The South Lot is being jointly planned by the Northgate Commons proponent, King County and the City of Seattle to coordinate open spaces, pedestrian improvements, traffic, utilities, and other planning and design issues. There has been extensive coordination of the South Lot planning with Simon regarding the mall proposal, as well.

Proposal

The proposed development on the site of the existing Northgate Mall consists of a new retail/restaurant building at the northwest corner of the site, a retail/restaurant building at the southeast corner of the site, a five level parking garage to the south of the existing mall adjacent to the entry drive from N.E. 103rd St. and six new retail/restaurant buildings along the western façade of the existing mall. The amount of commercial space on the site would increase from 931,272 sq. ft. to 1,048,022 sq. ft. Surface parking to the west of the mall would be reduced due to construction of new retail and pedestrian spaces. The proposed parking garage would add enough additional spaces so that the total number of spaces on the site would increase by 170 parking spaces for a total of 4,135 on the site.



Drainage swales have been designed into the reconfigured west parking lot to provide water quality treatment before detention and release into the public system and eventual entry into Thornton Creek. Detention to accommodate a 100 year storm event is to be provided on site as required by Seattle drainage code.

A pedestrian path is incorporated into the proposal running from the northwest street corner, up existing stairs, past the proposed restaurant building at the corner, across the parking lot to the northwest corner of the new mall buildings, south along the face of the new building, into the Mall in three places and back out to First Ave. N.W. along the southernmost of the two driveways to that street. A second pedestrian path is to be created along the west side of the southern driveway to N.E. 103rd St. These pedestrian paths are “raised table top crosswalks” where they cross drive isles.

Street improvements included in the proposal include completion of a missing sidewalk segment along First Ave. N.E. in the southern segment of that frontage. Improvement to Northgate zoning overlay standards for Special Landscaped Arterials will be installed from the southwest corner of the new parking garage along N.E. 103rd St. west to Fifth Ave. N.E. and north on that street as far as the development parcel at the southeast corner extends. The southern driveway into the Mall site will be repositioned to align with the centerline of a new segment of Third Ave. N.E. proposed on the South Lot.

Preliminary discussions with the applicant, the applicant’s consultants, and representatives of SDOT and DPD have led to some specific conclusions related to street and sidewalk improvements along N.E. 103rd St. The Land Use Code calls for either a 12 foot wide sidewalk or a six foot wide sidewalk and a six foot wide landscaped area. Land Use Code authority is being used to require an additional three feet of setback along this street to accommodate potential future street widening to upgrade lane widths and configurations. Development on sites to the south of N.E. 103rd St. to include a new segment of Third Ave. N.E. street extension to the south and a new signal at the intersection of that new street segment, N.E. 103rd St. and the southern driveway into the project site necessitate careful design of improvements in the area and coordination among the various projects in the vicinity. The new intersection will be constructed with the full 66 feet of width made possible by the contribution of six feet (right-of way setback of 3’ from both the northern and southern properties). A taper to the existing curb lines east and west of the intersection will be necessary. The applicant will not be required to construct this taper. The project responsibility will be to construct driveway improvements, including sidewalks on the site in a manner which will connect to the new intersection improvements without later modification and to construct transitions from the new on site improvements to the existing structures in the right-of-way as necessary and in a manner to be determined by SDOT in the Street Use Permit. A further conclusion is that construction of sidewalks and/or landscaping elements along N.E. 103rd St. will not trigger the necessity to move existing utility poles and that their existing locations may necessitate the provision of 12 foot wide sidewalks with street trees in wells (versus a 6’ sidewalk and 6’ landscaped area) in order to provide adequate pedestrian pathways. The final configuration and specifications of these improvements will be developed for the SDOT permit(s).

This proposal is subject to the Northgate Mall Development Agreement adopted by Ordinance 121358 on December 8, 2003.

As a separate project, not a part of this MUP review, sidewalk improvements are being made by SDOT along much of the northern extent of the Mall's Fifth Ave. N.E. frontage. This work includes repositioning of the Mall's eastern vehicle entrance to align with the entry to the new public library, park and community center across Fifth Ave. N.E. and new sidewalks and landscaping along the new driveway into the Mall property.

Public Comment

The SEPA comment period for this project ran from April 14, 2005 to April 27, 2005. No written comments were received during this period. Public comment was received at three public Design Review Meetings held on December 6, 2004, January 3, 2005 and April 18, 2005. Comment at the first two meetings was extensive and centered on issues of coordination with the Northgate Stakeholders Group commissioned by City Council to review and oversee redevelopment projects in the Northgate area. Comment was also received about the need to make pedestrian connections between the Mall and surrounding areas, the need to protect Thornton Creek during construction and in the long-term, and the desire that the Mall itself grow out to the surrounding streets with enlivening pedestrian interaction. Much of this comment is incorporated into the Early Design Guidance record below. At the Recommendation Meeting of the Design Review Board public comment was received from members of the Northgate Stakeholders Group indicating support for the developed proposal and submitting the November 22, 2004 advisory memo.

The Northgate Stakeholders Group issued an advisory memo on this proposal on November 22, 2004. The Northgate Stakeholders' were commissioned by Council Resolution 30642 to review and advise the City on redevelopment projects in the Northgate area. The Northgate Stakeholders' key issues related to pedestrian improvements, traffic, parking and stormwater management and the applicant modified the original proposal in response to this guidance.

DESIGN REVIEW BOARD DESIGN PRIORITIES

On December 6, 2004 the Design Review Board for Area 2 met in a pre-design public meeting to consider the site and objectives of the applicant. The Board held a second early design guidance meeting on January 3, 2005. After visiting the site, considering the analysis of the site and context provided by the proponents, and hearing public comment, the Design Review Board members provided the siting and design guidance described below and identified by letter and number those siting and design guidelines found in the City of Seattle's "*Design Review: Guidelines for Multifamily and Commercial Buildings*" of highest priority to this project. The recommendations made were agreed to by all three of the Board members present, unless otherwise noted.

Two development standard departures are being requested:

1. Higher percentage of large and smaller percentage small parking spaces
2. Modification of Northgate Overlay requirement of a 10' wide, landscaped pedestrian walkway for every 250 parking space lot in SMC 23.771.016.G.2.

Extensive public comment was received at both EDG public meetings and included those below.

The proposed parking garage should be designed to create a good transition in height, bulk and scale with surrounding streets and properties. Viewed from the south it would sit up eight to ten feet from the street grade and be seen in the forefront of the mall buildings. It would function to a large extent as a “gateway expression” of the mall as viewed from areas to the south which are expected to include two mixed-used residential developments, a County Transit Center, a City Park, a new street and a regional light rail station. The pedestrian zone along and past the garage needs to be highly developed. Including a wide sidewalk into the mall would be appropriate, as would including overhead weather protection, landscaping, artwork and other measures to create an attractive pedestrian path. The garage should be a good gateway element to the mall and a pedestrian amenity.

The pedestrian pathway plan needs to strengthen connections between the Mall and the surrounding communities in all directions and also provide as much “safe haven” pathway from the parking lots into the mall as possible. While the plan to provide drainage swales in the eastern parking lots is good for many reasons, the shopper who parks in the lot and must then walk into the mall should not be ignored.

Specific Design Guidelines found in the City Wide and in the Northgate Urban Center Guidelines were identified by the public to be of high priority for this project.

1. A-1 Responding to Site Characteristics. At the northwest corner there is a substantial grade change between the sidewalk and the mall parking lot. This presents a challenge to be overcome while placing a building there which has a sidewalk and street level presence. The design should create an attractive, usable pedestrian entry to the site from the sidewalk at the corner.
2. A-4 Human Activity. In addition to general direction to put human activities of new uses along street frontages, the Northgate specific guidelines address super block development which, in the proposed locations direct that there be a pedestrian friendly environment within the internal layout where commercial buildings are separated from the sidewalk by buildings and that every attempt be made to link to the greater community by creating lively, interesting pedestrian connections within the site, and also between the site and its surroundings. A simulation of the urban street grid on the super block was asked for.
3. A-8 Parking and Access. Minimize the number of curb cuts and width of driveways.

4. C-3 Human Scale (Architectural Materials and Elements). Exterior materials should include elements of human scale such a stone, brick and detailed finishing elements. Signage should be tastefully addressed and add to the architectural appearance of the site. There should be nothing comparable to “the worlds’ largest bull’s-eye.” There should be way finding elements around the site. Landscaping should be incorporated to break up the “sea of asphalt.”
5. A special site condition was identified in the form of portions of Thornton Creek close by to the southeast which should be protected and even responded to in the site planning and drainage
6. Vehicle maneuvering areas and drop off points for wheelchair lift equipped vehicles need to be designed into the areas where new pedestrian plazas are being created.

PRIORITIES:

After visiting the site, considering the analysis of the site and context provided by the proponents, and hearing public comment, the Design Review Board members provided the siting and design guidance described below and identified by letter and number those siting and design guidelines found in the City of Seattle’s “*Design Review: Guidelines for Multifamily and Commercial Buildings*” and in the proposed “*Northgate Neighborhood Design Guidelines*” of highest priority to this project. The identification of priority guidelines and specific guidance was agreed to by all three of the Board members present at the second meeting, unless otherwise noted. While the notes below indicate the area the Board found most important, all of the Guidelines for Multifamily and Commercial Buildings continue to have application

The Board generally agreed with and adopted the public comments outlined above. The great majority of these comments were from members of the Northgate Stakeholders Group, serving at the request of City Council and the Mayor to advise on the redevelopment matters within the Northgate Urban Center and particularly of the Simon controlled properties.

The Board then went on to discuss in detail several specific elements of the proposal. This approach was adopted by them because the site is so large and the proposed new development is proposed in differing regions of the mall.

Parking Garage

The façade treatment of the proposed garage should tie into that of the mall itself so that it appears as an attractive, related element of the mall (C-1, C-2). While bulk and scale are seen as an element to be controlled through architecture, the Board does recognize that the garage is a large building proposed on a very large site in a context of other large spaces and large buildings, both proposed and existing. The garage must not have blank walls. It should have a commercial appearance with elements of overhead weather protection along pedestrian paths beside it. It is essential that the pedestrian environment on all sides of the parking garage be highly developed in inviting and high quality ways.

Materials, landscape, sidewalk widths and separation from the surrounding traffic, and weather protection are all important elements in creating the necessary pedestrian environment.

Corner Buildings

The two proposed corner buildings, one at the northwest corner of the site and one at the southeast corner, "...should be oriented to the corner and public street fronts. Parking and automobile access should be located away from corners." (A-10 Corner Lots)

These corner buildings also need to have a "face" to the mall. They have a role to play in making a connection between the mall site and the surrounding community. They need to be designed to encourage pedestrian connections between surrounding areas and uses and the mall itself. The street side of each must not be a secondary frontage and should incorporate such features as store front glass walls, high quality base level materials and overhead weather protection. Each should be designed so that its entry is integrated with the pedestrian paths in the area, both across the site and along adjacent streets.

The two corner buildings need to present a strong edge along the street frontages. Urban forms, height, glazing, overhead weather protection durable, and high quality materials are among the architectural measures that should be incorporated.

The dumpsters and recycling for these two freestanding buildings need to be designed into them in an attractive and unobtrusive way.

Pedestrian Link to Southeast Corner

At the Early Design Guidance stage the Board sees a value in connecting the mall to the sidewalk at the southeast corner and the new building proposed there. They recognize there are some issues involved in creating a safe path, but, they think a solution acceptable to the Simon Company can be found and they are leaving the matter "on the table" for further design work by the applicants and future consideration by the Board. At the Recommendation Meeting the Board concluded that this pedestrian connection would be of very limited utility, would present pedestrian safety issues and would not be an essential element of the pedestrian plan as suitable path would exist along N.E. 106th St. to the pedestrian connection next to the proposed parking garage.

Departures

Two departures were requested to lower the number of small parking spaces required and limit the amount of 10 foot wide landscaped pedestrian walkways to the those shown on the site plan shown to the Board in a modification of development standards which incorporated the drainage swale features in a configuration also shown on the site plan.

BOARD RECOMMENDATION

After considering the site and context, hearing public comment, reconsidering the previously identified design priorities, recommended conditions, and reviewing the plans and renderings showing the

proposed revisions, the Design Review Board members recommended **approval of the subject design and development standard departures** with the following **recommended conditions**. All recommendations were by all three members agreeing, unless otherwise indicated. The recommendations summarized below were based on the plans submitted at that meeting. Design, siting, or architectural details not specifically identified or altered in these recommendations are expected to remain as presented in the plans available at the April 18, 2005 meeting and according to the recommendations of the Board at that meeting.

The Board Recommended the Following Conditions:

1. Provide glass or metal canopy cover over the pedestrian walk along the east side of the proposed parking garage and place a landscaped strip between the walk and the driveway.
2. Modify the design of the gate to service areas between proposed buildings along the west façade of the Mall to bring them better into the scale of the buildings themselves.
3. Consider modifying the parking garage to eliminate or relocate the driveway to the east across the pedestrian path.

DECISION - DESIGN REVIEW

The Director of DPD has reviewed the recommendations of the Design Review Board and finds that they are consistent with the City of Seattle Design Review Guidelines for Multi-family and Commercial Structures. Therefore, the proposed design is **APPROVED WITH DEPARTURES** substantially as presented in the official plan sets on file with DPD as of the May 10, 2004 Design Review Board meeting, with the Board's recommended design **condition**, enumerated above.

Development standard departures:

1. Higher percentage of large and smaller percentage small parking spaces to configuration on approved MUP plans.
2. Modification of Northgate Overlay requirement of a 10' wide, landscaped pedestrian walkway for every 250 parking space lot in SMC 23.771.016.G.2 to configuration on approved MUP plans.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant and dated March 21, 2005, and annotated by this Department. This information in the checklist, supplemental information provided by the applicant (plans, including landscape plans, traffic report, drainage report, soils report, comments from members of the community, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665) establishes the relationship between codes, policies, and environmental review. Specific policies for specific elements of the environment, certain

neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. The Overview Policy states in part:

"where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation (subject to some limitations)."

Under certain limitations/circumstances (SMC 25.05.665 D 1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is cited below.

Short - Term Impacts

Anticipated short-term impacts that could occur during demolition, excavation, and construction include; increased noise from construction/demolition activities and equipment; decreased air quality due to suspended particulates from building activities and hydrocarbon emissions from construction vehicles and equipment; increased dust caused by construction activities; potential soil erosion and potential disturbance to subsurface soils during grading, excavation, and general site work; increased traffic and demand for parking from construction equipment and personnel; conflicts with normal pedestrian and vehicular movement adjacent to the site; increased noise; and consumption of renewable and non-renewable resources. Due to the temporary nature and limited scope of these impacts, they are not considered significant (SMC 25.05.794).

Many are mitigated or partially mitigated by compliance with existing codes and ordinances; specifically these are: Stormwater, Grading and Drainage Control Code (grading, site excavation and soil erosion); Street Use Ordinance (watering streets to suppress dust, removal of debris, and obstruction of the pedestrian right-of-way); the Building Code (construction measures in general); and the Noise Ordinance (construction noise). The Department finds, however, that certain construction-related impacts warrant further discussion below.

Air Quality

Demolition, grading and construction activities each may create adverse air quality impacts in the surrounding area. The Puget Sound Clean Air Agency ("PSCAA") regulations require control of fugitive dust to protect air quality. A PSCAA permit is required for the removal of hazardous materials such as asbestos. The Seattle Stormwater, Grading and Pollution Control Ordinance regulates on-site grading activities and require that soil erosion control techniques be initiated for the duration of the work.

Existing regulation is sufficient to control short-term air quality impacts. In order to be certain that PSCAA reviews the proposed demolition it is necessary to file a Notice of Intent to demolish with that agency. A condition of this MUP will be to file a PSCAA notice prior to issuance of a demolition permit.

Drainage

Stormwater runoff during the construction period will have to be managed throughout the construction phases. For demolition, grading and construction permitting the applicants will be required to show measures to be employed to contain and manage erosion and stormwater runoff from the site. The Seattle Stormwater and Grading Control Ordinance is sufficient to require these measures to be devised and employed during the construction phase. No further conditioning pursuant to SEPA policies is warranted.

Construction Traffic

Traffic in the immediate area of the proposal site experiences considerable congestion in the morning and evening peak periods. This congestion is particularly concentrated in the intersections along N.E. Northgate Way as this street is used to get to and from the I-5 freeway as well as a major east/west arterial. In order to avoid unreasonably interfering with traffic in the immediate area it is necessary to use SEPA Construction Impacts Policy authority to condition the proposal to prohibit construction truck traffic carrying materials to or from the site between the hours of 3:30 p.m. and 6:30 p.m.

Construction traffic in the Northgate area will take place within a street system which is already highly utilized. In addition to prohibiting construction truck traffic carrying materials to or from the site during the P.M. peak period it is important that careful consideration be given to the actual routes those trucks take through the neighborhood. In order to be certain this careful consideration is taken and that City experts are consulted, it is necessary to utilize SEPA construction impact policy authority to require that a construction truck route plan be developed and approved by DPD in consultation with SDOT sufficient for each major phase of the construction process, demolition, grading, and construction and that the plan be followed.

Construction Noise

The proposal site is large and many areas of proposed construction are not near any sensitive residential noise receptors. There are, however, multi-family residential uses across streets in the northwest and southeast regions of the proposal site. Proposed activities which may be expected to create noise in proximity to these nearby residential uses are demolition of the theatre and the medical office building, use of large equipment for earth moving and paving activities and construction of new buildings in the northwest and southeast corners of the site.

Noise associated with these activities could adversely affect the residential areas in the vicinity of the proposal site. Due to the proximity of residentially zoned areas in relation to the proposal site, the limitations of the Noise Ordinance appear to be inadequate to protect the residential neighborhood. To minimize construction noise impacts to residential neighborhoods, DPD has conditioned projects of a similar scale to limit hours of construction to 7:00 a.m. to 6:00 p.m. on weekdays and to 9:00 a.m. to 5:00 p.m. on Saturdays. This condition has been successfully applied in the past and will be imposed here for activities associated with demolition of the theatre and the medical office building, use of large

equipment for earth moving and paving activities and construction of new buildings in the northwest and southeast corners of the site.

The Department recognizes there may be occasions when critical construction activities of an emergency nature, related to safety or traffic issues, or which could substantially shorten the total construction time frame, may need to be completed after regular construction hours as conditioned herein. Therefore, the Department reserves the right to approve waivers of this construction hours restriction. Such waivers must be approved by the Department on a case-by-case basis prior to such work.

It is also recognized that there are quiet non-construction activities that can be done at any time such as, but not limited to, site security, surveillance, monitoring for weather protection, checking tarps, surveying, landscaping, painting, and walking on and around the site and structure. These types of activities are not considered construction and will not be limited by the conditions imposed on this Master Use Permit.

In addition, after the building is fully enclosed interior work may be done at any time in compliance with the Noise Ordinance with no pre-approval from the Department.

Long - Term Impacts

Long-term or use-related impacts are also anticipated from the proposal and include: increased ambient noise due to increased human activity; increased demand on public services and utilities; increased light and glare; increased energy consumption, increased on-street parking demand, and increased vehicle traffic. These long-term impacts are not considered significant because the impacts are minor in scope.

The potentially most substantial long-term impacts are traffic, parking and stormwater runoff and additional consideration is warranted.

Parking

Parking calculations found in the March 18, 2005 Transportation Analysis prepared for the proposal by Transpo, Inc. are based upon Institute of Transportation Engineers survey data from other shopping centers. The Transpo analysis finds that the expanded mall will generally have a 1358 space surplus of parking during peak weekdays, and 970 spaces during weekend peak hours. During the peak holiday shopping period on-site parking is predicted to be at near-capacity during weekday peaks and, for the two highest demand shopping days of the year to be in deficit of 549 spaces on Sunday and 833 spaces on Saturday. These predicted parking numbers do not include any reduction due to the presence of the transit center to the south or any future regional mass transit station. They also do not take into account actions which might be taken by Mall Management to arrange off-site parking options for employees or to encourage them to take transit to work. The parking demand expected to be generated by the on-site uses, existing and proposed, are expected to be met on site during all but a very few hours of the year and no SEPA based mitigation of parking impacts is warranted.

Stormwater

Under the Seattle Stormwater, Grading and Drainage Control Code the proposal site is considered to be a “large site” and as a site which discharges into a Class “A” Riparian Corridor a high level of control over stormwater discharge is required. Included is flow control sufficient to detain a 100 year storm event and stormwater treatment (SMC 22.802.016). These measures are identified on the MUP level plans and are reviewed for technical sufficiency during review of building permits.

SEPA policy authority authorizes conditioning beyond that provided by the City code in situations where discharge is to a salmon bearing stream. However, detention for a 100 year storm event and water quality treatment as required for this site by the existing Seattle Stormwater, Grading and Drainage Control Code is believed to be the appropriate level of protection here. No additional mitigation pursuant to SEPA policy authority is warranted.

Traffic

Traffic impacts of the proposal were identified in a report dated March 18, 2005 by Transpo, Inc. and additional information was provided in a memorandum dated July 5, 2005. The report estimates a net traffic impact of the proposal by first subtracting traffic attributed to the theatre and medical office building to be demolished and then adding traffic expected from the new building area and the park and ride use in the new parking garage from the existing total traffic estimated for the site as a whole. The conclusion reached is that the proposed Northgate Shopping Center redevelopment “would result in no additional trips when compared to the full operation of the shopping center with the office and theater uses prior to around the year 2000 when these facilities became vacant.” DPD has agreed to this “existing condition” for purposes of the traffic analysis because these uses remain established on the site and could be re-instituted without re-establishing them on the site. The new shopping areas would be expected to generate 200 daily trips on their own, which are not existing pass by traffic or existing mall customers. The July 5, 2005 memorandum considers the addition of 157 park and ride spaces to the site (an additional parking garage level) and concludes it would contribute 97 P.M. peak hour trips (22 in and 75 out) and that these in combination to the total amount of traffic entering and leaving the site will not create unacceptable levels of service in or out of the site. The driveway and N.E. 103rd/3rd Ave. N.E. intersection is expected to operate at Level of Service C. The southernmost 1st Ave. N.E. driveway is expected to be the worst performing driveway on the site at LOS E during the P.M. peak hour.

No SEPA policy based conditioning of traffic impacts of operation of the proposed facilities is warranted.

Sustainability

No specific sustainability policy exists in Seattle SEPA policies. However, incorporation of sustainable practices and design in the creation of new development positively addresses many of the SEPA

policies which do exist including, air quality, earth, energy, environmental health, plants and animals, and water quality. The applicant has agreed to strive to incorporate sustainable measures into site features and into the buildings constructed on the site. They have worked with the Seattle Public Utility Department to incorporate a system of drainage swales into re-graded and reconfigured surface parking areas in the western region of the site. The applicant has indicated they intend to practice some degree of recycling during demolition activities. They have also agreed to adopt a list of goals for the design and construction of new buildings on the site. A list of goals has been developed by the City Office of Sustainability and will be included here as a goal without required performance measures.

Materials and Resources

1. **Storage & Collection of Recyclables:** Provide an easily accessible area serving entire building for separation, collection and storage of (at minimum) paper, glass, plastics and metals
2. **Construction Waste Management:** Divert 75% From Landfill Recycle/Salvage additional 25% CDL waste.
3. **Resource Reuse –5%** Use salvaged, refurbished or reused materials for 5% of building materials (% of cost)....Or
4. **Resource Reuse –10%** Use salvaged, refurbished or reused materials for 10% of building materials (% of cost).
5. **Recycled Content:** Use 5% post-consumer or 10% post-consumer + post-industrial (% of material cost)....Or
6. **Recycled Content:** Use 10% post-consumer or 20% post-consumer + post-industrial (% of material cost).
7. **Regional Materials** 20% manufactured regionally within 500 mile radius of project.
8. **Rapidly Renewable Materials:** Specify rapidly renewable materials (plants harvested within 10-year or shorter cycle) for 5% of total building materials.
9. **Certified Wood:** Use minimum of 50% of wood materials certified using Forest Stewardship Council guidelines – to qualify, wood-based materials must constitute at least 2% of total value of all building materials.

Indoor Environmental Quality

1. **Low-Emitting Materials** Adhesives & Sealants – Adhesives – a less than VOC limits of SCAQMD Rule #1168. Sealants – exceed requirements of BAARB Reg. 8, Rule 51.

2. **Low-Emitting Materials** Carpet – meet or exceed requirements of Carpet and Rug Institute Green Label Indoor Air Quality Test program..
3. **Low-Emitting Materials** Composite Wood or agrifiber products containing added urea-formaldehyde resin.
4. **Daylight and Views** Daylight 75% of Spaces Minimum Daylight Factor of 2% (excluding all direct sunlight penetration) in 75% of all space occupied for critical visual tasks. Or
5. **Daylight and Views** Views for 90% of Spaces Direct line of sight glazing for 90% of regularly occupied spaces.
6. **Increase Ventilation Effectiveness** Mechanically ventilated buildings: design system with air change effectiveness greater than or equal to 0.9 (ASHRAE 129-1997). Naturally ventilated buildings: demonstrate distribution and laminar flow of 90%+ of room or zone for at least 95% of hours of occupancy.
7. **Construction IAQ Management Plan** During Construction Meet or exceed SMACNA IAQ Guidelines for Occupied Buildings under Construction, 1995, AND protect on-site/installed absorptive materials from moisture damage AND change filtration media prior to occupancy.

Site Improvements

Heat Island Effect For roofs use high reflectance, low-e roofing for 75%+ of roof area, OR install “green” roof for 50%+ of roof area, OR use high albedo and vegetated roof for 75% of roof area.

Energy

Exceed City energy code by utilizing Seattle City Light assistance in three areas:

1. **Rebates** for energy efficiency measures exceeding the requirements of the Seattle Energy Code.
2. **Energy Analysis** Funding for engineering studies to define energy efficiency measures.
3. **Commissioning Assistance** for up to \$10,000/project for best practice building commissioning.

Other Impacts

Several adopted Codes and Ordinances and other Agencies will appropriately mitigate the other use-related adverse impacts created by the proposal. Specifically, these are the Puget Sound Clean Air Agency (increased airborne emissions); and the Seattle Energy Code (long-term energy consumption). The other impacts not noted here as mitigated by codes, ordinances, or conditions (increased ambient

noise; increased pedestrian traffic, increased demand on public services and utilities) are not sufficiently adverse to warrant further mitigation by conditions.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).
- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

CONDITIONS - SEPA

Prior to Issuance of a Certificate of Occupancy

Prior To Demolition, Grading or Construction Permit Issuance

1. File a Notice of Intent to Demolish with PSCAA.
2. A construction truck route plan shall be developed and approved by DPD in consultation with SDOT which is sufficient for each major phase of the construction process, demolition, grading, and construction.

During Construction

The following condition(s) to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. If more than one street abuts the site, conditions shall be posted at each street. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other weatherproofing material and shall remain in place for the duration of construction.

3. Construction activities associated with demolition of the theatre and the medical office building, use of large equipment for earth moving and paving activities anywhere on the project site and construction of new buildings in the northwest and southeast corners of the site, other than those taking place within the enclosed building, are limited to the hours of 7:00 a.m. to 6:00 p.m. on non-holiday weekdays and to 9:00 a.m. to 5:00 p.m. on Saturdays.
It is recognized that there may be occasions when critical construction activities of an emergency nature, related to safety or traffic issues may need to be completed after regular construction hours as conditioned herein. Therefore, the Department reserves the right to approve waivers of this construction hours restriction. Such waivers must be requested at least three business days in advance, and approved by the Department on a case-by-case basis prior to such work. After the building is fully enclosed, on a floor-by-floor basis, interior work may be done at any time in compliance with the Noise Ordinance with no pre-approval from the Department.
4. Construction truck traffic carrying materials to or from the site is prohibited on weekdays between the hours of 3:30 p.m. and 6:30 p.m. Said construction traffic shall follow the routes identified in the approved Construction Truck Route Plan.

Voluntary Sustainability Goals

Materials and Resources

- a) **Storage & Collection of Recyclables:** Provide an easily accessible area serving entire building for separation, collection and storage of (at minimum) paper, glass, plastics and metals
- b) **Construction Waste Management:** Divert 75% From Landfill Recycle/Salvage additional 25% CDL waste
- c) **Resource Reuse** –5% Use salvaged, refurbished or reused materials for 5% of building materials (% of cost)
- d) Or:
- e) **Resource Reuse** –10% Use salvaged, refurbished or reused materials for 10% of building materials (% of cost)
- f) **Recycled Content:** Use 5% post-consumer or 10% post-consumer + post-industrial (% of material cost)
- g) Or:
- h) **Recycled Content:** Use 10% post-consumer or 20% post-consumer + post-industrial (% of material cost)
- i) **Regional Materials** 20% manufactured regionally within 500 mile radius of project

- j) **Rapidly Renewable Materials:** Specify rapidly renewable materials (plants harvested within 10-year or shorter cycle) for 5% of total building materials
- k) **Certified Wood:** Use minimum of 50% of wood materials certified using Forest Stewardship Council guidelines – to qualify, wood-based materials must constitute at least 2% of total value of all building materials

Indoor Environmental Quality

- l) **Low-Emitting Materials** Adhesives & Sealants – Adhesives – a less than VOC limits of SCAQMD Rule #1168. Sealants – exceed requirements of BAARB Reg. 8, Rule 51
- m) **Low-Emitting Materials** Carpet – meet or exceed requirements of Carpet and Rug Institute Green Label Indoor Air Quality Test program.
- n) **Low-Emitting Materials** Composite Wood or agrifiber products contain no added urea-formaldehyde resin
- o) **Daylight and Views** Daylight 75% of Spaces Minimum Daylight Factor of 2% (excluding all direct sunlight penetration) in 75% of all space occupied for critical visual tasks
- p) ...Or
- q) **Daylight and Views** Views for 90% of Spaces Direct line of sight glazing for 90% of regularly occupied spaces
- r) **Increase Ventilation Effectiveness** Mechanically ventilated buildings: design system with air change effectiveness greater than or equal to 0.9 (ASHRAE 129-1997). Naturally ventilated buildings: demonstrate distribution and laminar flow of 90%+ of room or zone for at least 95% of hours of occupancy
- s) **Construction IAQ Management Plan** During Construction Meet or exceed SMACNA IAQ Guidelines for Occupied Buildings under Construction, 1995, AND protect on-site/installed absorptive materials from moisture damage AND change filtration media prior to occupancy

Site Improvements

- t) **Heat Island Effect** For roofs use high reflectance, low-e roofing for 75%+ of roof area, OR install “green” roof for 50%+ of roof area, OR use high albedo and vegetated roof for 75% of roof area.

Energy

- u) Exceed City energy code by utilizing Seattle City Light assistance in three areas:

- v) **Rebates** for energy efficiency measures exceeding the requirements of the Seattle Energy Code.
- w) **Energy Analysis** Funding for engineering studies to define energy efficiency measures
- x) **Commissioning Assistance** for up to \$10,000/project for best practice building commissioning.

CONDITIONS – DESIGN REVIEW

- 5. Provide glass or metal canopy cover over the pedestrian walk along the east side of the proposed parking garage and place a landscaped strip between the walk and the driveway.
- 6. Modify the design of the gate to service areas between proposed buildings along the west façade of the Mall to bring them better into the scale of the buildings themselves.
- 7. Consider modifying the parking garage to eliminate or relocate the driveway to the east across the pedestrian path.

Non-Appealable Conditions

- 8. Create and receive DPD approval of a Transportation Management Plan meeting the requirements of SMC 23.71.018 and DR 14-2002 prior to issuance of a Certificate of Occupancy for the building.
- 9. Any proposed changes to the exterior of the building or the site or must be submitted to DPD for review and approval by the Land Use Planner (Scott Kemp, 206.233.3866). Any proposed changes to the improvements in the public right-of-way must be submitted to DPD and SDOT for review and for final approval by SDOT.
- 10. Compliance with all images and text on the MUP drawings, design review meeting guidelines and approved design features and elements (including exterior materials, landscaping and ROW improvements) shall be verified by the DPD planner assigned to this project (Scott Kemp, scott.kemp@seattle.gov, 206.233.3866), or by the Design Review Manager. An appointment with the assigned Land Use Planner must be made at least (3) working days in advance of field inspection. The Land Use Planner will determine whether submission of revised plans is required to ensure that compliance has been achieved.
- 11. Embed all of these conditions in the cover sheet for updated MUP permit plans and for all subsequent permits including any MUP revisions, and all building permits.
- 12. Embed the 11 x 17 colored elevation drawings from the DR Recommendation meeting and as updated, into the MUP plans prior to issuance, and also embed these colored elevation drawings into the Building Permit Plan set in order to facilitate subsequent review of compliance with Design Review.

Signature: (signature on file)
Scott Kemp, Senior Land Use Planner
Department of Planning and Development

Date: August 4, 2005

SK: ga

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